

Quid Novi

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Meet the Dean
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QUID NOVI

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Week in Review...

The United States invaded Falluja for the second time in six months and conquered the city's general hospital. Patients and doctors were tied up and an Iraqi soldier decided this was an opportune time to shoot himself in the leg; Doctors Without Borders announced that it will cease its operations in Iraq. An Air National Guard warplane fired its 20-millimeter cannon at an elementary school in Little Egg Harbor Township, New Jersey. Hungary announced that it will pull its forces out of Iraq, much of Venice was flooded by a high tide, and a plague of locusts descended on Cyprus.

A poll taken just before the election showed that 75 percent of Bush supporters still believe that Iraq either was a close ally of Al Qaeda or was directly involved in the September 11 attacks. Voters in Dallas County, Texas, elected an openly gay Hispanic woman as sheriff. The Abu Hafs al-Masri Brigades, a group linked to Al Qaeda that claimed responsibility for the Madrid bombings in March, released a statement chastising Americans for reelecting President Bush. "The coming days will show you that the one you preferred will lead you to an unbearable hell," the statement said. "The next days will show you that your support of the criminal will not bring you security and will not prevent the mujahedeen from hurting you where you are. The next days will prove this."

Yasir Arafat died. Saskatchewan legalized gay marriage. A giant Wal-Mart opened up within a mile of the pyramids at Teotihuacán, Mexico. A six-year-old Florida girl took \$1,000 worth of crack cocaine to school; her mother said she must have got it trick-or-treating. Farmers in India were reportedly spraying their cotton and chili fields with Coca-Cola because it's cheaper than pesticides and kills pests just as effectively. A Russian nuclear power plant was shut down because of what was called a "minor mishap." Officials in Lithuania were looking for a radioactive \$100 bill. Coyotes were spotted in Washington, D.C.

J.M.

Editor's Page: Anatomy of an Election Disaster

by Jason MacLean, Co-Editor-in-Chief (Law II)

Coach K (a.k.a. Kirsten Mercer) is upset about the American election. So upset, in fact, that she neglected (again) to report Force Majeure's most recent win over a hapless squad calling themselves, aptly enough, Engineering Disaster, on Tuesday, 2 November 2004. Our victory was, however, but the first disaster of that now fateful evening.

Four more years. Well, two more, really, whereupon Karl Rove, who W. refers to as The Boy Genius and, chillingly, "the architect," will begin anew his arch designs to maintain office; a three-way runoff between John McCain, Rudy Giuliani, and Florida governor Jeb Bush. Golly. I wonder who is going to win that one. Term limits apply to vice presidents too, right?

Confusion reigns in blue states, New York is indignant, and theories from the commentariat abound. No one apart from Bill and Hillary can quite understand just how candidate Kerry, who evidently grew on people as the campaign proceeded (even his handlers began to like him), lost, and this only after no one could quite envision how he might win. What happened?

Let's set aside some of the more prominent red herrings. There is, to begin, no single covering explanation. Coach K on the night of the election said, more hopefully than confidently, I suspect, that this election was all about the kids (all about the kids...not showing up?). That, youth voter ignorance and apathy, is but one story, however. P. Diddy, keep your day job (whatever that happens to be). Vote, or die. Or not. Whatever.

Others maintain the election was all about values, in particular evangelical Christian values and the specter of gay marriage. Mostly (but not entirely) wrong again. As Andrew Kohut of the Pew Research Center points out, there was no disproportionate spike in the evangelical vote this year (but more evangelicals voted for W. in 2004 than in 2000). Nor was there a marked increase in the percentage of pro-life voters or among those who report that they pray daily. Still, much has been made of values

as the dispositive issue, trumping Iraq, the economy, and Mary Cheney's sex life. When asked about the issue that most influenced their vote, voters were given the option of saying "moral values," and 22% did so, 79% of whom voted for Bush. But "moral values" can mean many things, even to the same person. This is a classic problem with close-ended survey questions. Exit polls tell us (usually) who is going to win the election, but they do not tell us why.

Still others maintain that voter fraud, so far a largely neglected theory, was again instrumental. Election software in Onslow County, North Carolina, for instance, miscounted the votes for county commissioners. Some voting machines in Broward County, Florida, started counting backward once they reached 32,000. An electronic voting machine in Ohio added 3,893 votes to President Bush's tally in a district that had only 800 voters. Four thousand five hundred and thirty early electronic votes in Carteret County, North Carolina, were simply "lost." Votes were also lost in Palm Beach County, Florida, and in Tampa. All of which represents only the cases we know about.

Meanwhile, journalists are still trying to figure out why exit polls -- which projected that Kerry would win in Florida, Ohio, New Mexico, Colorado, Nevada, and Iowa -- turned out to be completely wrong. "Exit polls are almost never wrong," opined Dick Morris. "Exit polls cannot be as wrong across the board as they were on election night. I suspect foul play." It was noted that anomalous voting patterns in Florida (where a disproportionate number of Democrats ostensibly voted for W.) were all confined to counties where optical-scanning machines are used to read paper ballots. Such votes are tabulated by Windows-based PCs that are vulnerable to tampering. So who knows, maybe they swindled their way through another one. We'll never know for sure, but given the arch character of W.'s posse, it's a credible, if partial, theory.

And so while the hand-wringing and soul-searching continues, a curious shift appears to have taken hold. Bush-bashing, for the moment at least, has fallen into dis-

favour. The new target of democratic rage appears to be Bush supporters, in particular "the heartland." Or, at least that is what I gather from my two principal sources of American political news, The New York Times and The Daily Show. There can be, I think, no question as to the pathetic fact that the post-Bubba Democrats have completely lost touch with much of the American population that resides between New York and Los Angeles and south of the Mason-Dixon. Not for them, nor for the elitist liberal talking heads, actual and sincere engagement and understanding. The irresistible (and, doubtless, deserved) caricature of W. and his cronies has been usurped by an equally facile but wholly undeserved caricature of the silent, perhaps seething, American majority.

The Daily Show is the most symptomatic case. Its condescending gag of dispatching faux correspondents into the far corners of Pax Americana to expose the easy ignorance of its inhabitants makes for exceedingly successful political comedy and egregiously misleading political commentary. In a far from rare but, as always, fleeting moment of political lucidity, the show's host Jon Stewart suggested to his guest, reelected New York senator Chuck Schumer, that there were more of "them" than the Democrats and the liberal media had supposed, and that this was the central lesson of the 2004 election. Schumer agreed emphatically but proceeded to make plain to everyone watching that neither he nor the party leadership understands who "them" are or how to make "them" get it, all the while maintaining that the Democrats are closer to the average American than W.'s gang and that the Democrats must find a way to put the meat 'n potatoes issues back on the table. To which Jon Stewart replied, with precisely equal parts cynicism and genuine hope, "good luck with that," to which Eminem and P. Diddy no doubt echoed "word!"

I don't know about you, but I think it's time to turn off The Daily Show and put aside The Times for a while and pick up

(Continued on page 16 ...)

Wanna Change the World? Get Rich!

by Paul Hesse (Law III)

Last week, Adrian Lomoga asked "Who's here for the money?" In a piece that reminded us to be true to ourselves, he also suggested that there was something inconsistent between wanting to do good and being interested in money and power.

Since when is having money inconsistent with changing the world? In fact, money and power can help you change the world. Money can buy you freedom. Freedom from the paycheck and with the luxury of free time. And as we all know too well, money can also buy you a voice.

Think of the people leading today's political debate. Multi-millionaire Kerry just faced off against multi-millionaire Bush. Kerry was bankrolled by a motley crue, including billionaire George Soros and Hollywood millionaires. And on the other side, I think it's fair to assume that the Republicans also got their fair share of

donations from the "haves and have mores".

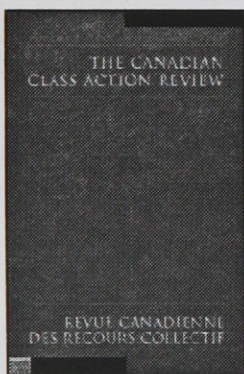
A little closer to home, the Aspers (and Lord Black before them) bought themselves a soap box in virtually every newspaper stand and Dep in the country. (Ok, Deps in Quebec, Macs in Ontario and 7-11s where I come from.) Pierre Trudeau was able to devote his life to ideals and ideas because his father was successful in business. Alexa McDonough of the NDP too. (Remember her? Ok, she didn't change the world. But that's a different story.)

My point? If you have money, you have the freedom and power to pursue a political agenda. You can escape the chains of 9 to 5 (or the 100 hour weeks that some of us seem to be headed for) and devote yourself to a cause. You can run for office without risking your home and kids' education fund. You can give a big cheque to someone you believe in. You can even create a trust fund for a worthy cause.

That's not to say that those without money don't have political power and a voice. They do too. History is full of ordinary and poor people who have changed the world. Ideas are incredibly powerful, especially when voiced by the selfless.

And don't get me wrong. Not all political aspirations are equal. There are ugly ideas and there are beautiful ones. Money is there beside each kind. You can be poor and have a hurtful and destructive political agenda. You can be rich with only the best ideals. Or the reverse.

So, yes, be true to yourself. Please do. But don't flagellate yourself if you're interested in money. The real question is: if you achieve the wealth and power you covet, what are you going to do with it? You can have the car, the Armani suit and still change the world. But in pursuit of what? What kind of world do you want? That's the question. ■

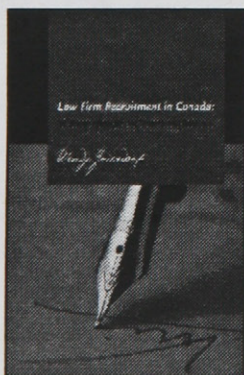


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With All Due Respect

by Sean Hutchman (Law I)

This letter is in response to the editorial by Mr. Ryu in last week's *Quid*. Mr. Ryu's discussion, or should I say diatribe, in part about the rising influence of the Christian right in America, led me to question my own tendency to ridicule America and its politics. For this I owe Mr. Ryu my thanks.

Yet on further reflection, I realised that the intention of his piece, aptly (or ironically?) entitled "Law and Disorder", was not meant to provoke thoughtful consideration. The reader is led through a maze of incoherent political thought, and more dangerously, is exposed to a caricature of America and its religious fundamentalists. For example, take the following passage: "Are [fundamentalist Christians] any better than fundamentalist Muslims? Perhaps, but I'm not entirely convinced." That Mr. Ryu starts his evaluation with the assumption that Muslim fundamen-

talists are undoubtedly the "worst" of all fundamentalists is only one example of the mental disorder to which the reader is subjected. Ryu speaks of so-called "redneck" states, implying that their ostensible barbarity stems from the religious convictions of their inhabitants. Moreover, the faith-based political convictions of these people are apparently "inserted in their brain by their cult leaders."

If Mr. Ryu wishes to stem the tide of religious obscurantism, he must distinguish his own discourse from the dogma of fundamentalists. He might start by using inoffensive language and considering opposing views. Though the *Quid* is meant to be a non-academic outlet for student expression at the Faculty, it would be misguided to suggest that we should abandon the epistemological basis of law, namely reason, in our contributions to it. However problematic rational positivism

may be, it is a value none of us can completely eschew if we see any point in studying law.

In conclusion, Mr. Ryu's inability to question his own virulent anti-Americanism, being as it is Canadians' favourite form of covert jingoism, betrays the disorder that arises from an absence of intellectual curiosity and self-doubt. These are qualities to which we should aspire as citizens and future lawyers. Perhaps if Mr. Ryu had a bit more imagination he might have chosen a more constructive issue. Instead of lamenting the politics of the United States, why not address the pitfalls of Canadian government policies? It is much easier to pat ourselves on the back for legalising gay marriage than to question Canada's poor record in areas such as aboriginal rights or environmental protection. Let's get a move on and talk about things we can change. ■

America, Fuck NO!

par François Beaudry (Law I)

Last week, while I was reading the editorial of the *Quid*, I was struck by a strange impression of *déjà vu*. (Since I am a francophone, I can use French words in English without making myself ridiculous and affecting a French accent I don't have!) The topic of the failure of democracy was addressed in such a subtle way that I thought I was reading an article written by one of the brilliant detectives/policemen/warriors/heroes of *Team America World Police*. Unfortunately, the author was a McGill law student.

Abolishing democracy for a greater democracy (whatever that means), "Completely and utterly ignoring citizens to protect them", replacing the will of the people with judicial control... These are all part of Aram Ryu's plan for America. Luckily, he wasn't running for president, and Americans probably weren't considering him when they cried out "anything but Bush!" Our columnist's positions are not even naïve; they also avoid the real debate about the American democracy, and about democracy itself. Je me propose de remettre les pendules à l'heure et d'examiner le bien fondé d'un système qui, bien que faillible, ne doit pas être rejeté à

chaque fois que les universitaires canadiens, mus par une montée de lait collective, s'insurgent de l'élection d'un président républicain ou de positions sociales qui diffèrent de celle que notre cour suprême aimerait probablement étendre *urbi et orbi*.

"The election has shown why democracy doesn't work"

Really! So, would it have shown the opposite, with its huge turnout rate, if Kerry had been elected and if the ban on gay marriage had been rejected everywhere? If the answer to this question is yes, there is a major problem. We cannot judge "democracy" as a whole considering the results of only one election, which are probably not what we would have preferred, but still are what the Americans voted for. When people fail to make their point and to convince people, they blame democracy. Blaming the system is often the easy way out, because most of the time it won't answer and stick it up to you that you are wrong. However, today, the system strikes back! (And let me tell you that this is not the reaction of a redneck republican but rather of someone who, on election night, stayed awake until 2 a.m., hoping Iowa could

turn blue.)

Si l'on suivait les conseils de notre éditorialiste, il suffirait, pour avoir un État de droit, donc un État par définition juste et sans failles, de confier à nos cours tous les grands débats sociaux et politiques et fermer définitivement l'Assemblée Nationale et le Parlement, ainsi que leurs institutions analogues aux États-Unis, soient le Congrès américain et la Présidence. Et voilà, le monde de la justice serait né! Sans vouloir insinuer que les idées de mon cher collègue entretiennent une certaine pensée magique, force est de constater que la simplicité avec laquelle il croit contenir les problèmes de la démocratie et de la société américaine en une page s'avère déconcertante.

Tout système politique produit des erreurs. Cependant, il ne faut pas imputer toutes les erreurs faites par les acteurs de la scène politique dans le cadre d'un système particulier à ce système lui-même. Comme je ne perçois aucune meilleure façon d'évaluer les mérites de notre système, que l'on pourrait aussi attribuer à ses acteurs, j'analyserai de manière comparative la proposition avancée par notre éditorialiste. ►

Les juristes, comme les ingénieurs, les biologistes, les médecins et les comptables, sont parfois pris de la manie de penser qu'ils sont les seules personnes sur Terre à avoir une idée adéquate de la manière de diriger les affaires humaines. Cet égocentrisme, mené par l'éblouissement procuré par le système des rois philosophes de *La République* n'est qu'une entreprise d'illusion biaisée et complaisante. Dans une société humaine, la confiance totale en une seule échelle de valeurs et de principes pour ordonner l'interaction humaine est non seulement naïve mais aussi dangereuse.

Nul ne peut négliger le problème de taille qui se soulève avec la proposition d'un État contrôlé par le judiciaire. Conservera-t-on un gouvernement technocratique chargé de l'administration au quotidien et de la nomination de juges, principe qui demeure la seule issue de secours si on veut soustraire les juges aux sombres méandres de l'opinion populaire (à moins de retourner à l'hérédité ou de consacrer le choix arbitraire!) On ne peut confier à des nommés des pouvoirs qui ne peuvent plus, par la suite, être contrôlés, bien que l'on puisse leur confier certains pouvoirs bien circonscrits par quelque forme de constitution, qui fait nécessairement appel à l'opinion d'une majorité. La nomination à vie, d'un remède qu'elle était à la « partisanerie », devient la base d'une gérontocratie.

Il est contradictoire de dénoncer à la fois le pouvoir judiciaire trop peu neutre, ce qui est un fait aux Etats-Unis, et de le souhaiter omniprésent. Certaines questions sont par leur nature même politiques. Ces questions doivent être posées, et c'est pour cette raison même que le pouvoir se divise et que chacune de ses branches est justifiée par la nature de la tâche qui y est confiée. Si des trois pouvoirs existants l'on ne conserve que le judiciaire, ou si on lui donne le pouvoir de s'immiscer partout, ce n'est pas une augmentation de sa force mais plutôt une destruction par l'intérieur qui se produira. Le pouvoir judiciaire, confronté à des questions purement politiques, devra s'aventurer, au risque de perdre la confiance des gens, et du même coup d'envoyer revoluer en éclats le pouvoir juridique.

Par la simple existence du législatif et de l'exécutif, qui sont électifs, l'opinion de la majorité demeure essentielle. Par désir de ne pas gaspiller trop de papier, je ne ferai pas de preuve positive de son bien fondé. Il apparaît évident à toute personne moindrement bien intentionnée et consciente des risques de conférer à neuf personnes, aussi neutres et présumées bien intentionnées qu'elle soient, le pouvoir de prendre toutes les décisions que doit prendre un pays. J'aurai sûrement l'occasion, dans le cadre de cette tribune anarchique quoique bien plaisante qu'est le Quid de développer de manière bien satisfaisante cette idée, si besoin est.

Cependant, je sens que je prêche ici pour des convertis. Je me contenterai donc de soulever une dernière question. Pourquoi veut-on contrôler l'opinion populaire, la censurer, ou la rendre sans effet? Parce qu'elle est supposément ultra-conservatrice. Quelle belle initiative, dans une société où l'on encense la liberté d'expression à tout propos, et où l'on s'affole du fait qu'il n'y ait pas assez de compréhension entre les personnes de différentes opinions, de vouloir réduire au silence ceux de nos voisins qui ont le défaut de ne pas penser comme nous, mais qui eux ne vont pas jusqu'à proposer qu'on nous réduise au silence.

Si je n'ai pas parlé du mariage homosexuel, c'est parce que ce sujet n'est pas au cœur de l'aberrance totale du dernier éditorial. C'est plutôt l'attitude générale par rapport aux Etats-Unis, à leur démocratie et à toutes les démocraties, qui s'avère déconcertante. À la suite de l'élection, les milieux intellectuels et estudiantins canadiens ont été soulevés en bloc par une vague d'indignation. Dans leur mouvement, ils ont jeté le bébé avec l'eau du bain, et n'ont pas pensé qu'il existe une mer au-delà de cette vague, et que la vague, comme le pendule de la dynamique démocratique, a ses hauts et ses bas. L'unanimité et l'ignorance volontaire n'ont pas leur place dans une société démocratique qui compte bien le demeurer. ■

This is what's going on

by Sam Oliver Hall (Law II)

When I say that my time in Montreal is useless,
It's really a call to your arms.

So many things seem pointless after loving you. And so much seems
worthwhile.

The happiness you bring sets the highest mark
For anything else that I could do.

I long to be with you, and life without you becomes a suffocation that's bearable, but empty. That greatness that's missing is you.

And so I crave routine. And the sense that comes with success through order.

When all I want to say is: I miss you. And I love you. And I want to give you the promise that I'm worthwhile.

I'm in love with you today as for the first time. And I want you to know it.

"Pot, this is Kettle. Kettle, Pot"

by Leila Jawando (Law II)

One Tuesday afternoon, I found myself heading home from school with butterflies in my stomach, with a feeling of mild anticipation that grew with each passing step. I was slightly confused at first; I did not have dinner plans, nor did I have a hot date. I *had* been planning to read a little bit of property, but I knew that had nothing to do with the excitement I was feeling. Then suddenly it hit me, like a light bulb in a Jughead thought bubble. I came to realize what was happening. Somehow, some way, my body was physically aware that it would soon be time for me to satisfy my craving. It was almost time for my weekly fix.

I have a confession to make: I have an addiction. It started as an occasional habit - a harmless activity that arose out of boredom on a random Tuesday night. At first, it was only happening by chance. However, it soon began to invade my thoughts at inopportune times, causing random (and sometimes inappropriate) fits of laughter that I couldn't explain. It has since graduated from an occasional habit and become an anticipated event.

I feel that I can share this with you, my peers, because I know that I am not alone. I am sure that there are many of you who live through a similar weekly plight. Together, we can work through this. My name is Leila, and

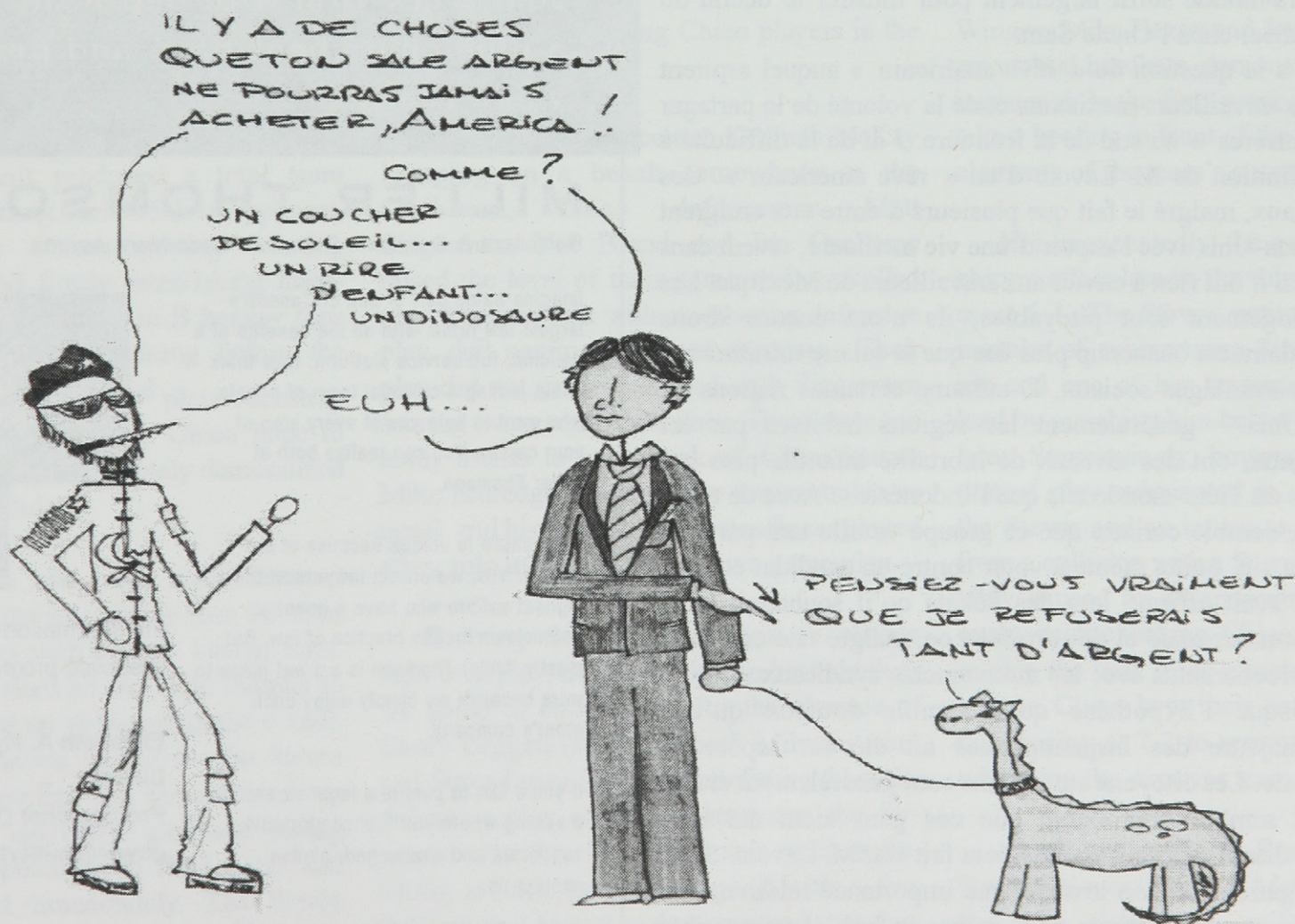
I am addicted to "Corner Gas". No. Seriously.

If you have not yet seen this hilariously witty Canadian comedy, then shame, I say! Shame!

Though really, "Corner Gas" doesn't *have* to be your "thing" just because I say so. But I do hope that everyone saves a little extra time to devote to theirs in the coming weeks. You know what "thing" I'm referring to: that thing that you do to relax and get away from the books. We all have one. They go a long way at this time of year as we all know. So don't call me on a Tuesday night because I won't answer the phone - I'll be busy. ■

Les aventures du Capitaine Corporate America: the übercapitalist you'll love to hate

by Laurence Bich-Carriere (Law I)



«Presque une annonce de Mastercard(r)».

Une réponse à M. Lavoie

par Marc-André Séguin (Law II)

L'opposition de M. Lavoie face aux syndicats est bien connue. Sa croisade dans le *Quid* contre tout mouvement progressiste a d'ailleurs su attirer l'attention de plusieurs au printemps dernier. Le texte « Les syndicats en politique : La cause de la défaite de John Kerry », publié la semaine dernière, est une nouvelle addition à sa critique. Cependant, j'estime que M. Lavoie, dans son interprétation de la réalité américaine, a tort et que son argumentation est incomplète à bien des égards.

M. Lavoie estime que plusieurs membres de la communauté hispanophone américaine ont voté pour le candidat républicain George W. Bush à cause qu'ils avaient peur des prétendus rapprochements entre John Kerry et le mouvement syndical et qu'ils croyaient que ceci aurait pour conséquence de rendre la frontière américano-mexicaine plus étanche. Cette étanchéité plus forte rendrait ainsi la tâche plus difficile aux Mexicains essayant de traverser la frontière pour travailler sur le marché noir aux Etats-Unis et ainsi « tenter de réaliser le rêve américain ». Plusieurs éléments de cette analyse m'apparaissent curieux.

D'abord, l'influence des syndicats aux Etats-Unis a largement diminué depuis les années 1980. Même que les syndicats américains sont présentement critiqués par plusieurs pour leur faiblesse et leur trop grande tendance à rester mous devant les ambitions des employeurs. La faible résistance des syndicats américains aux multiples fusions d'entreprises et au congédiement de dizaines de milliers d'ouvrier américains au profit d'usines situées dans des zones franches du Tiers-monde suffit largement pour illustrer le déclin du mouvement syndical chez l'Oncle Sam.

Ensuite, il y a la question du « rêve américain » auquel aspirent apparemment les travailleurs mexicains et de la volonté de le partager avec leurs « confrères » au sud de la frontière. J'ai de la difficulté à concevoir la définition de M. Lavoie d'un « rêve américain ». Ces travailleurs illégaux, malgré le fait que plusieurs d'entre eux émigrent sûrement aux Etats-Unis avec l'espoir d'une vie meilleure, vivent dans des conditions qui n'ont rien à envier aux travailleurs du Mexique. Les conditions de logement sont pitoyables, ils n'ont aucuns droits reconnus, leur salaire est beaucoup plus bas que le salaire minimum et ils n'ont aucuns avantages sociaux. D'ailleurs, certaines régions du sud des Etats-Unis – généralement les régions habitées par les travailleurs illégaux, ont des niveaux de mortalité infantile plus bas que ceux de pays du Tiers-monde tels que l'Indonésie... Avec de telles conditions, il me semble curieux que ce groupe veuille tant partager ces conditions de vie, quitte même à voter contre un candidat comme John Kerry, qui avait affirmé lors des débats qu'il souhaitait leurs accorder une reconnaissance et des droits et ce, malgré une croyance qu'il ait des rapprochements avec les mouvements syndicaux.

Enfin, je risque l'hypothèse qu'il semble douteux qu'une préoccupation majeure des hispanophones ait été cet aspect du candidat démocrate. Les citoyens américains sont généralement si mal renseignés qu'il semble improbable que ces gens aient été bien informés des soi-disant rapprochements dont fait état M. Lavoie. Si on compare les allégations de son texte, d'une importance relative, à la gigantesque couverture médiatique de la guerre en Irak, il est possible de réaliser l'étendue de cette probabilité. En effet, des statistiques récentes nous démontrent qu'une large portion d'américains restent très mal informés sur la guerre en Irak et ce malgré toute l'attention

médiatique qui y est vouée. Ce sondage concluait, entre autres, qu'environ un tiers des américains croient que les forces armées ont trouvé des armes de destruction massive en sol irakien...

La réalité est que nous ne pouvons déterminer avec certitude les raisons motivant les électeurs hispanophones à voter pour George W. Bush. La tendance anti-syndicaliste de M. Lavoie - et celle de ses confrères texans, le fait analyser la réalité d'une manière trop simpliste. Cette tendance le pousse même à avoir une opinion inquiétante sur l'état des travailleurs illégaux.

Les motivations pour fermer les frontières aux travailleurs illégaux ne se justifient pas seulement par un désir de protéger les travailleurs américains contre le *cheap labour*, elles se justifient aussi par un désir de mettre un terme à une pratique d'exploitation. Pourtant, le texte de M. Lavoie décrit les travailleurs illégaux comme étant des gens heureux vivant dans des conditions infiniment meilleures que celles trouvées au Mexique et qui ne souhaitent rien d'autre que de partager leur bonheur avec d'autres. Pourtant, la réalité est toute autre. L'appui d'un futur juriste à une tendance qui transforme des êtres humains défavorisés en quasi-esclaves donne des frissons.

M. Lavoie est dans son droit de s'opposer aux syndicats. Mais aller jusqu'à décrire ainsi la situation des travailleurs illégaux revient presque à défendre une nouvelle traite d'esclaves : celle de la main d'oeuvre mexicaine. ■

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Superior Force Engineers a Convincing Victory

by Kirsten Mercer (Law II)

Editor's note: This article should have appeared in last week's Quid. We apologize for the mistake.

There was tension in the air on the night of Tuesday, November 2nd and I am not talking about the election! Superior Force took on old D-league rivals, Engineering Disaster, in an election night duel. As predicted last week, the game proved much better viewing than CNN!

Pierre Covo returned to the lineup this week and teamed up with his wing mate, Charlie Flicker for a power play goal. Covo tipped in Flicker's beautiful centering pass, putting the Force ahead by a goal early in the first period.

The Force dominated their opponents from the outset, and goalie Jason MacLean showed the form that saw the Force go almost undefeated last season, earning him a shutout. As with any shut out, credit must be shared with the defense who stepped up when needed, and did their best to get out of MacLean's way the rest of the time. Team Captain, Bram Abramson even contributed to the offense with a goal scored on a slap shot from the point in the second period.

Bob Moore scored the final Force point after a beautiful attempt to go in alone on a break away. Though he was stripped of the puck, it looked like the opposing defense player felt our Bob deserved a second chance passing the puck back to Bob on

what may have been a bad pass up the middle. Bob - refusing to look a gift horse in the mouth - dropped the puck in the net, rounding out the Force's production for the night.

Though fan support was a little lower than expected, the Force would like to invite members of the Faculty to come out for the penultimate game before the All Star Break. The Law and Order Cup will be fought out between the Force and the Copaholics on Tuesday, November 16th at 7:30 at McConnell Arena. The Copaholics are currently in second place, and the Force is looking to build on their latest win and unseat the Cops heading toward the break. ■

Chico Resch Still Unbeaten

by Stephen Gough (Law I)

League leaders Chico Resch maintained their winning ways with a thorough 7-2 thrashing of the Steves in men's B Intramural Ice Hockey last Sunday. The undermanned unit produced a total team effort in dismantling their winless opponent, extending their season-opening winning streak to five and firmly establishing themselves as the front-runners in B hockey thus far. With one game remaining before the break, a showdown with 2nd place Jockstrap Ensemble on November 21, Chico hope to have their opposition completely demoralized in time for the holidays.

Coming off a two week break between games and with the knowledge that the team would be playing with a short bench, Capt. Ian Osellame pushed all the right buttons to get the team fired up in his pre-game e-mail. Chico's determination to prevent the Steves from notching their first win was evident from the outset as the aggressive and hard-skating unit had the opposition on their heels and frustrated almost immediately. The Steves lone female winger countered with some impressive feistiness, displaying a penchant for finishing her checks and using her stick to violently check for jockstraps. But it would

take more than spearing Chico players in the crotch on this day.

With fellow defenceman Kenneth McKay lounging on a beach somewhere in the Caribbean, Chico defencemen Matt Singerman, Nat Brand and Ian Osellame raised the level of their game and controlled play from the rear with smothering defensive play, deft passing and hard shooting. Their play did not go unrewarded with Singerman scoring twice and Brand once. There were too many assists to keep track of. Chico keeper Mike Eldredge was virtually impenetrable as usual, and his reliability and steadiness played a key role in Chico's aggressive game plan.

Showing their determination to elevate their own play, the forwards also brought their 'A' game to compensate for the absence of Casey Leggatt (susp.), Dinesh Milwani (ret.) and Steve Lowe (pers.). Benefitting from the defensive play of their teammates, the forwards' relentless forecheck and ruthless finishing around the net, coupled with a few thrilling end-to-end rushes, ensured that they would also contribute to the scoresheet. Steve Gough nabbed a brace while Sam Adkins and Jason Crelinsten chipped in with solo tallies.

Wingers Mike Hazan and Joe Adams wore the proverbial hardhats, demonstrating their willingness to do the dirty work in the corners and take a beating in front of the Steves' goal, key elements of the team's success.

Not unexpectedly, the game turned into a chippy affair late in the third period with the score 6-1. The Steves' petite winger made the mistake of submarining Singerman at centre ice and one of her teammates followed her lead by punching him below the belt moments later. Surprisingly, however, this deterioration of play culminated in a second goal for the Steves and an injury to stopper Eldredge from a collision with a Steves forward, regrettably caused by an anonymous (over?) zealously back-checking Chico forward. Forced to play the final three minutes without a goalkeeper, Chico kept their cool and closed out the scoring at 7-2 to remove any doubt over who were the superior team.

Don't miss Chico Resch at 18:00 on Sunday November 21 at McConnell Arena for the big showdown with the Jockstrap Ensemble and watch for a Chico-hosted coffeehouse before the term is up. A splendid time is guaranteed for all. ■

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Why McGill Law Needs Positive Energy

by Heather Robertson (Law III)

Congratulations, you got into McGill! Thus began my first rant ever in the Quid, a mere two years, but a whole lifetime, ago. Now I can say, "Welcome to law school, first years, how do you like it so far?"

The "Law III" after my name still seems weird to me. However, now that I am coming down to my last few weeks here at McGill, I've become surprisingly reflective. Not sentimental, mind you, but I've definitely been thinking about this place that I've called home for the past 2.5 years. I figure I may as well reflect now, since there is no way I will be doing so once I reach balmy tropical Singapore in lieu of another Montreal winter (thank you McGill exchange program!).

Anyhow, I've come to the (stunning) conclusion that law students like to complain. I am no exception to this rule, and I'm pretty sure I could win the Gold Medal for complaining, if it was offered. But when you actually tear yourself away from the McGill bubble it amazes me what length we students will go to. We will complain about everything and anything - professors who keep our classes 3

minutes later than the finish time, profs who give too much reading each week, boring guest speakers, other students, Regis and Kelly, the computer labs, locker size, the death of good manners, the proper use of punctuation (or lack of) and so on. Don't even get me started on the registration nightmare. And of course there is the ultimate competition of complaint: who is more stressed out and who has more work to finish before exams. It's a hard life, this law school.

Now, I have no intention of starting up a debate in the Quid reminiscent of my first year - did she or didn't she write an article about how exactly to get As and is she or isn't she going to go into M&A? In retrospect, I should have actually paid attention to the article and maybe I wouldn't be complaining so much about my grades. My point, and I am actually trying to make one, is that if we all stopped complaining, perhaps law school would become something other than the ultimate bitch-fest. And no, I'm not suggesting that the Quid become the *New Yorker* of publications or that we only write about whether "passive" bilingualism should be encouraged. I'm talking about something a lot simpler: a

moratorium on complaining.¹ I appreciate Greg's random thoughts on everything and Dave's allusions to the Clash. I even read those "serious" articles in the Quid every once in awhile, although I confess to never having read one of Tetley's manifestos on Maritime Law.

I can only speak for myself, but I'm pretty sure that when I ask people how they're doing it's because I actually mean it. I remember November of my first year vividly, and if it wasn't for my law partner and any other upper years I could wrangle into listening to me, I would have been convinced around this time that I was in the wrong place. Keeping that in mind, I am certainly guilty of asking first years (that I know) how they're doing. I don't flatter myself into thinking that I am the Dr. Phil of McGill, but it's a simple thing. Maybe people are actually interested in knowing how YOU are DOING. Enough said.² ■

¹ A moratorium on complaining would in no way prevent bitching about the bitterly cold, long, miserable, suicide-inducing Montreal winter.

² Yes, I realize that this article is merely me complaining about complaining.

What Happened on November 2 in the Netherlands.

by Jan Jakob Bornheim (Cologne, Germany)

Two weeks ago, in the light of day, the controversial Dutch filmmaker Theo van Gogh was shot on the street. His body, already deformed by twelve bullets, was then furthermore stabbed by the murderer. Van Gogh, the great-grandnephew of the famous painter, was 47 years old. His death came as the second shock to everyone's favourite country below sea level. It was 30 months after the murder of the so-labelled right-wing populist Pim Fortuyn. Admittedly, the two were not archetypical liberals, and especially Fortuyn polarized with his harsh criticism of Islamic immigration. However, he transcended the image of a straight conservative. He, being gay himself, named the oppression of homosexuality in the Netherlands's Islamic subculture as one of the reasons for his political standpoint. Certainly an explanation one would not expect from a traditional conservative politician. Fortuyn was shot by a radical Green activist who opposed his convictions. Van Gogh was mur-

dered by a Muslim of dual Dutch-Moroccan citizenship. The murderer used a knife to apply a letter onto Van Gogh's stomach. Therein, he described his motif, Van Gogh's painful and insulting criticism of Islam.

Throughout Europe, the Netherlands were sometimes admired, sometimes condemned for their liberalism. The fact that they built a liberal society was never denied. The Dutch model of consensus and integration by a cultural laissez-faire was acknowledged. Now, within two years, both deaths mark the sudden end of this political culture. The fact that two leading public figures were shot for their opinions, one by an extreme left-wing ethnic Dutch, the other by an extremely religious ethnic Arab, show the deep rifts that exist in Dutch society. Rifts that no one, no politician, no academic expected to exist. They also show how quickly a culture of political discussion can turn into a culture of political violence.

Van Gogh's most recent film, "Submission", was regarded as an insult to the Islamic religion by Muslims and Christians alike. Van Gogh stated that he wanted to start a controversy about the Dutch model with his movie. His incendiary movie claimed much freedom of speech, maybe more than a society that wants to protect the rights of a minority could possibly grant. I would argue that Van Gogh showed that there are limits to personal liberties. Those limits are reached when one's own personal liberties violate the rights of others. If a society believes in inalienable rights of the people it must defend these rights not only against arbitrary governments but also against individuals, minorities or even majorities. German legal scholars like to call that a vigilant democracy, one that is intolerant towards intolerance.

It is true, without vigilance political violence can take a country by surprise. I am ►

however concerned about the reactions of the Dutch prime minister, Jan Peter Balkenende, who instantly picked up the rhetoric of a "fight" against "terrorism". To begin with, I have my problems with defining terrorism as the enemy. For me, terrorism is only a means, not the thing itself. More importantly, I believe that vigilance is supposed to prevent the necessity of a fight. One has also to prevent an atmosphere where every Muslim is a suspect. One week after the murder, there has already been a bomb attack on a Muslim school in Eindhoven, supposedly as an act of revenge. The Dutch should keep in mind what the Dutch police already said. With only five percent, extremists are in an extreme minority among the Muslim community.

In my opinion, one should get to the bottom of the current situation rather than start doing things for the sake of doing things. I am not yet sure how to actually do that, but it might be helpful to know the roots of the cur-

rent situation in the Netherlands. Thus, I want to take a few quick shots from the hip. The sudden eruption of Islamism in the Netherlands can be attributed to an immigration policy that left immigrants to themselves as well as a lack of interest by the autochthon Dutch population towards the immigrants. This led to the creation of subcultures within society. These subcultures existed without mutual contact or contact to the predominant Dutch culture. Thus, a proliferation of libertarian Dutch values never took place. The subcultures could not develop an identification with the country they lived in. Once this path was set, it was politically incorrect to criticize it. A correction of the initial failure to fully integrate immigrants into a libertarian society was thus impossible.

One might object to my argumentation on the grounds that the approach of integration is a chauvinistic one. Yet, when I say society I mean the common belief into a set of rules

and political institutions. I do not use society the way the Meech Lake Accord did. I do not renounce the existence of different cultural entities within a society. For me society is a framework to enable cultural entities to coexist peacefully. The erupting problem of the Netherlands, though, is mainly due to a total lack of community of its different people. A clash was inevitable.

I don't want to overexert a much used term but here is my conclusion: given the premise that the Netherlands may be exemplary for any Western nation facing a massive Islamic immigration, these nations have now developed a new "two solitudes"; these are the solitudes between the older European population and their fellow Islamic citizens.

I welcome reactions. (janbornheim--at--gmx.net). ■

From CEGEP to Law School - No Worries

by Judith C. Fuchs (Law I, Universite de Montreal)

This is a comment in regards to the article written by Hinda Rabkin in the November 2nd edition of the Quid Novi, entitled "From CEGEP To Law School - What, Me Worry?"

As an Anglophone first-year law student at the Université de Montréal, I always try to read up on the Quid Novi in order to see how my McGill counterparts are coping with the inevitable burdens brought forth by legal education.

It was particularly refreshing to read up on an article entitled "From CEGEP to Law School - What, Me Worry?" by Hinda Rabkin in the November 2nd edition. Like Ms. Rabkin, I entered law school right out of Marianopolis College, where I managed to pull a B+ average thanks to successful attempts at charming my professors and all-night cram sessions at Tim Horton's. Unfortunately, as I soon realized within my first week at the faculté de droit, taking comprehensive notes in class and reading over cases and doctrine on a daily basis is the only means to success for someone for whom French was only verbalized until recently to say bonjour and au revoir to store clerks and waiters.

Not only does my lack of mastery of language skills in use at my school put me at a disadvantage, but to some extent, I have experienced moments where the thought of educational disparity between myself and many of my classmates has somewhat intimidated me. It still sometimes worries me to think that I am up against these people with bachelors in commerce and arts and added life experience, and that if I decide to apply to law firms when I graduate, others will be given the extra recognition that will not be given to a student with merely a DEC in social sciences and a smile to show for herself.

Nevertheless, the old adage that age is really just a number has proved true in my case, as most of my friends at law school are a few good years ahead of me in both age and education. I have the utmost respect for those who have slaved the past three years at McGill or Concordia working towards a goal that would not provide them with sufficient means to enter the work force. That I have not suffered as they have does not make me envious of them or any less confident of my own abilities to understand the Canadian British North America

Act or to determine whether a neighbor's view may be obstructed according to property law.

All but one student that I have encountered at my school do not look down on the fact that they possess the extra official certificate on their bedroom walls that I lack, and have made school an extremely warm and fun environment for me. If the same is not true at the McGill faculty of Law for Ms. Rabkin, then I am appalled that an air of academic elitism has permeated the minds and dispositions of certain post-graduate students.

The fact that Ms. Rabkin was among the select few CEGEP students to enter the halls at the esteemed and exclusive faculty earns her the privilege and the right to be deemed equal to all other students on an academic and intellectual caliber. That Ms. Rabkin was able to express her thoughts in your journal is proof that it is not the CEGEP student who is lacking the integrity to assert herself as a law student, but rather the resentment of her colleagues that causes them not to consider her a law student, but a girl from CEGEP. ■

LAW & ORDER

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The Police are not just another rock-and-roll band ...

by Professor Roderick Macdonald

The following speech was given by Professor Macdonald on behalf of Equality-Access, a student initiative at McGill Law, last Wednesday, 10 November 2004.

Good afternoon. Let me begin by thanking the organizers of this session. It is rewarding experience for a professor to see students deeply involved in issues of social justice, and keen to bring their engagement out of the classroom by inviting those who work with the law every day to share their insights and experiences.

I also want to start with a disclaimer. My credentials for introducing this afternoon's session are "iffy" at best. I am not directly involved in any professional activities relating to the subject of this panel: neither am I a lawyer who represents marginalized persons; nor am I a member of an agency providing services to such persons, although I do sit on the boards of two community organizations with analogous mandates; neither am I a representative of municipal officials who enact by-laws and other ordinances; nor, finally, am I meant to reflect the views of the police and others -- inspectors, by-law enforcement officers, transit police, security guards -- who are charged with upholding them.

I suppose that I have been invited because of my prior experiences in assisting public and private agencies in the design (or more frequently the redesign) and implementation (or more frequently the disimplementation) of governance and regulatory systems. In the jargon of public administration I have been, I guess, "a fixer". But that is not the role I

have been given this afternoon. Rather, I have been asked to provide some context for a discussion of the interactions between public law-enforcement officials and citizens -- especially marginalized persons, and even more especially, street youth.

From that perspective it seems to me that there are three main points that deserve attention. First, whenever there is a problem (or perceived problem) of law enforcement it is important to look carefully at the structural features of the regulatory system we have put into place. After all, enforcement is just the end point of a regulatory scheme. Consider the following questions of institutional design that arise long before enforcement is in issue:

- * what is the activity or behaviour that is being targeted?

- * who are the targets of the regulatory enforcement policies?

- * are the instruments - the criminal law, licensing, administrative regulation, private ordering -- that are being deployed appropriate to the policy goal that has been identified?

- * who are the persons or institutions that are charged with enforcing the policy?

- * who actually decides all these questions?

- * in what ways will the policy being pursued be changed or affected by those enforcing it?

- * and taking all this together, what will be the unintended as well as the intended consequences of the policy and the manner of its enforcement?

Now my purpose is not to answer these questions. Indeed, those members of various policing agencies joining me at the podium are much better placed than I to do so. I just want to signal and often-overlooked fact. Much of the complaint about the police and police practices is actually directed at the substantive law that the police are called upon to enforce: drug laws; traffic regulation; public order and decency infractions; vagrancy ordinances; and so on. To visit upon the police the sins of our legislators and courts seems grossly unfair. More than this, to characterize the problem as exclusively a policing problem when it is we - the citizens -- who demand that politicians do something about perceived social problems, is to shirk our own personal responsibility for contributing to the problems we are addressing today.

Nonetheless, the police do have a rather wide constitutional discretion to manage the enforcement of the law. One can (and should) make judgements about whether they are doing a better or a worse job in exercising that discretion and, to the extent they are not being dictated to by political actors, in planning and executing their enforcement priorities. These are the kinds of judgements that we are going to be discussing today. ►

They are the very issue that is the occasion for this dialogue. So I shall not pursue them now.

Rather, I'll turn to my second point. It is this. Even prior to engaging in these inquiries about policy development and implementation, it is essential to note how the assumptions we bring to bear on the problem (or perceived problem) -- that is, how we think about what the issue is -- will colour the way we imagine possible responses. Consider this. The idea of a public police force is of relatively recent vintage - less than 200 years. The decision to have a police force is a social choice. It is not a natural necessity. Moreover, the design of any particular police organization is a social choice. The police did not ask for or create the design we now have in place.

Finally, the decision about what to police and how to police it is also a social choice. In particular, it is not necessary for the state to make all the policing issues we now confront, issues for a professional police force. For example, there is no irrefutable reason for the police force to hand out traffic tickets; other agencies could do this. Similarly, as the fact that there are transit police or security guards patrolling shopping malls attests, there is no irrefutable reason that the general police force needs to patrol all public and private spaces.

And another point. We have designed the system we have to meet certain goals of efficiency and security as determined by political actors. If one asked the police how they would imagine their mandate and where they would allocate resources to achieve desired public policies, they would no doubt make somewhat different choices than those imposed upon them by elected officials. I am not saying that decisions about policing should be left just to the police. In a democratic country, these decisions are political decisions to be taken by elected political actors. But if we want to insist on political accountability, then we have to be prepared to accept responsibility for the

choices we (through our political actors) make. We cannot have it both ways.

This said, let me raise some questions about the police that suggest how assumptions shape the range of solutions and responses that we think appropriate for dealing with the situation. Here I list three of the features of the policing job we often fail to appreciate when we critique the performance of our police services.

* To begin, the police are often given an impossible mandate. Imagine that you are a police officer arriving to break up a domestic dispute: you are damned if you arrest the abusing spouse (which current zero tolerance norms require); and you are damned if you assess the situation and decide not to arrest (which frequently was the practice in the past). How many of us would last very long in a job where we are constantly faced with making no-win choices imposed on us by others, and always being second-guessed for the choices we make?

* In addition, a lack of resources: our police forces are given too much to do; they are assigned too many different tasks; they are told to focus on issues of security, not prevention; they are being told to do more with fewer resources. It would be nice to have police walking the beat, but the manpower necessary to get police out of police cars and onto the sidewalks will cost a lot more than most communities are willing to pay. How long would any of us last in situations where expectations visited upon us greatly exceed the resources that those imposing the expectations are willing to devote to the endeavour?

* Third, the politician's addiction to the criminal law as a way of addressing all manner of social issue. Everyone who has ever studied the matter knows that we should avoid criminalizing statuses; we should restrict ourselves to criminalizing acts. Yet politicians (and those who vote for them) don't like certain statuses like

homelessness, poverty, living on the street or in parks. And they think they can solve these problems not with social programmes that will inevitably cost money, but by criminalizing status. Unfortunately, the police are then asked to do the job of social welfare agencies, etc. using a limited array of totally inappropriate tools. No wonder there is trouble. Bad political diagnosis always leads to bad social response.

* Finally, a societal focus on pathologies. Why is it that the police can go through 10,000 incidents a day where everything works without a problem, but when one mis-step occurs this means that all police are "pigs"? Who among us could meet the standard we impose on the police? Who among us is perfect? Now I don't mean that pathological cases should not be identified, publicized and corrected. But let us not get carried away by treating particular misbehaviour as irrefutable evidence of a generalized police misbehaviour.

These inquiries about the design of policing bring me to my third point, expectations. At bottom, much of the issue around policing boils down to our failure to appreciate the human dimension of social regulation and policing. Let's ask for a moment: who are the police?

Notice how we demonize the police in the abstract; we talk about the police as pigs. Like the genetic fallacy that underpins racism, we dehumanize the other. We fail to notice, for example, that a police officer is a parent, a child, a spouse, a neighbour, a sports coach, a citizen. We take the individual human being out of our characterization of the police. We don't see them as public servants doing a difficult job to the best of their abilities in trying circumstances - no, we just see a uniform, and we conceive them as aggressive, arrogant, authoritarian, militaristic, on a power-trip, engaged in pack-like behaviour, unreasoning, and part of a self-protecting clique. ►

Because we have allowed ourselves to be overly concerned with these perceived aesthetics of policing -- just like many citizens are overly concerned about the appearance of street youth and other marginalized groups -- we have in fact exacerbated the problems faced by the police in their attempts to perform their roles. Perhaps I can make this point by describing three features of everyday life as a police officer that many of us do not immediately perceive.

* Most obviously, a police officer is a visible target: you will always be seen, and will always be the object of public regard. Try doing any job under the constant scrutiny of everyone, wearing a uniform that immediately calls attention to your status. More than this, try doing it when you know there are some people out there who are doing the very things you are meant to prevent, and who will attack you at a moment's notice?

* Again, being a police-officer is a 24-7 job: Sure there are shifts, but in a real sense, the police are never off-shift. Think of how draining it is to perform a job where you are always on the job -- even a policeman eating the proverbial do-nut is still a policeman and is still vis-

ibly "on the job"? How many of us have occupations of this type?

* And last, being a police officer means that one is constantly required to make split-second reactions that can have life and death consequences. Even emergency room doctors usually have some warning about those who are brought in for emergency treatment. Try to imagine a job where at any given moment, you will be called upon to put your own life on the line, and to do so without the chance to weigh up all the possible consequences of your actions. An appreciation of this dimension of policing serves as a sobering reminder of the complexity of the task.

And so to conclude. Most importantly, I don't want to be understood as saying that there are no problems with policing and existing police practices. There most assuredly are. And I don't want to be taken as saying that many of these problems have a particular impact on marginalized people, and in particular street youth. But let's keep our focus.

Perhaps we might most profitably pursue the themes on the table today not by demonizing the police, but by talking about the goals and demands

those segments of society who give the police their marching orders. Shouldn't we also be lobbying politicians and civilian police commissions to rethink their priorities and protocols? Perhaps we might most profitably pursue today's themes not by focusing just on individual wrongdoing, but by asking how it is that rogue policing occurs, and how it can be prevented. Perhaps we might ask how we can help the police do the very difficult (sometimes impossible) job they have been given.

That is, perhaps we can make our best contribution by asking how we can help design policing so that those who most need the protection of the law, and the police actually receive it. In brief, let us frankly identify the real problems in the way we have defined crime, crime control and social regulation, and the real problems in the way we have designed the mandate of institutions like professional police forces to handle these matters. Let us frankly talk about how to solve these real problems. And in doing so, in facilitating a difficult conversation and dialogue, we will have taken an important step towards achieving the social justice goal we all share. ■

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Tom Frank's new book *What's the Matter With Kansas?: How Conservatives Won the Heart of America*. Frank draws upon the familiar journalistic and marketing convention of treating Kansas, which went to W., as a microcosm of America and its transition from progressivism to outright reactionary radicalism. What is the matter with Kansas is exactly what is wrong with, sadly, a majority of Americans - they voted against their own best interests in terms of economics, education, and security. Indeed, Frank's description of his book is America writ large: "This is a book about good people in hard times who, despite noble intentions,

have made terrible choices." Word!

NOTE:

1. It's not just the Times and The Daily Show, however. In the past two weeks there has been a great deal of chatter about the high "correlation" between the states that voted for Bush and slavery, IQ, the "lasting contribution(s) to freedom, culture and progress (in the blue states)," and "virtually every form of quantifiable social dysfunction."

For further information, see, respectively:

(<http://michiganimc.org/newswire/display/7685/index.php>); (www.freewilliamsburg.com/archives/2004/11/states_with_low.html, though this one is apparently a hoax, albeit a popular one - see http://www.isteve.com/Web_Exclusives_Archive-May2004.htm#38115.6465670139); (<http://www.crookedtimber.org/archives/002818.html>); (http://www.talkingpointsmemo.com/archive/s/week_2004_11_07.php#003958). The Republicans, it would seem, do not control a monopoly over divisiveness. For a brief against the Times coverage, see <http://www.slate.com/id/2109381/>. ■